

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHRISTINE B. COLLINS, Independent)	
Administrator of the Estate of ROBERT L.)	
COLLINS, Deceased, et al.,)	
)	
Plaintiff,)	
)	
v.)	No. 03 cv 2958
)	Judge John W. Darrah
UNITED STATES OF AMERICA, et al.)	
)	<u>Consolidated with:</u>
)	03-cv-2966 03-cv-2998
Defendants.)	03-cv-3162 03-cv-3166

PLAINTIFFS' MOTION FOR DIRECTED JUDGMENT
AGAINST MIDWEST AIR TRAFFIC CONTROL SERVICE, INC.

Plaintiff, EDWARD HOCK, Independent Administrator of the ESTATE OF SHARON HOCK, Deceased, and pursuant to Rule 52 (c) of the Federal Rules of Civil Procedure, moves the Court for a directed judgement as a matter of law as to defendant, MIDWEST AIR TRAFFIC CONTROL SERVICE, INC.'s counterclaim for contribution. In support of this Motion, the following is stated:

ARGUMENT

Fed. R. Civ. P. 52(c) allows a court to enter a judgment as a matter of law against a party with respect to a claim or defense that cannot under the controlling law be maintained or defeated without a favorable finding on that issue once the party has been fully heard on that issue. Fed. R. Civ. P. 52(c). *Certaineed Corporation v. Williams*, 2006 U.S. Dist. LEXIS 43199 (2006). This motion is now brought after the close of all evidence.

liability to plaintiffs for damages. (See Agreement between Defendant Midwest Air Traffic Control Systems and All Plaintiffs).

4. The only evidence before the court regarding Sharon Hock's piloting skills is that she was in no way negligent. (See Trial Testimony of Col. William Lawrence).

5. Indeed, the evidence is that Sharon Hock's piloting skills were "exceptional". (See Trial Testimony of Defense expert, Mary Ann Schaffer and Paul Pieri).

For these reasons, Plaintiff, EDWARD HOCK, Independent Administrator of the ESTATE OF SHARON HOCK, Deceased, move for directed judgment as a matter of law as to the liability of MIDWEST AIR TRAFFIC CONTROL SERVICE, INC., pursuant to Federal Rule of Civil Procedure 52(c) and requests that this Court enter an order directing a judgment against defendant MIDWEST AIR TRAFFIC CONTROL SERVICE, INC. on the issue of liability.

Respectfully Submitted,

s/ Michael K. Demetrio

s/ Michael J. Mathew

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